

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

40 DAYS FOR LIFE, a nonprofit corporation of)
the State of Texas,)
)
WHITE PLAINS 40 DAYS FOR LIFE, an)
unincorporated association of the State of New)
York,)
)
OKSANA HULINSKY, and) Case No. 7:22-cv-6950-PMH
) [related case: 7:22-cv-09370]
REGINA JOY CREARY MOLINELLI,)
)
Plaintiffs,)
)
v.)
)
COUNTY OF WESTCHESTER,)
)
)
Defendant.)

NOTICE OF APPEAL

Plaintiffs, 40 Days for Life, White Plains 40 Days for Life, Oksana Hulinsky, and Regina Joy Creary Molinelli, by and through counsel, hereby appeal to the Second Circuit of the United States Court of Appeals from the District Court's effective denial of Plaintiffs' motion for preliminary injunctive relief against enforcement of Chapter 425, §425.31(i) of the Laws of Westchester County (one of several challenged provisions in Chapter 425):

(a) during the pre-motion conference of January 18, 2023, in which the Court stated its determination that it would not grant injunctive relief as to §425.31(i) because of its prior decision already dismissing a claim for injunctive relief as to §425.31(i) in the related case of *Vitagliano v. County of Westchester*, No.

7:22-CV-9370-PMH, 2023 WL 24246 (S.D.N.Y. Jan. 3, 2023), now on appeal in the Second Circuit [No. 23-30], which decision the Court stated it would not depart from. (Transcript attached as Exhibit 1, at 9:10-11 and 17:23-25); and

(b) in the District Court's related order (ECF No. 64), dated January 25, 2023, declining to enter Plaintiffs' consented-to proposed order reflecting the Court's determination at the pre-motion conference that it would not grant injunctive relief as to §425.31(i).

Dated: February 2, 2023

/s/ Michael G. McHale

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